

# EXHIBIT 24

**From:** [Gabrielle E. Tenzer](#)  
**To:** [John DiNucci](#); [KarenD@vawd.uscourts.gov](mailto:KarenD@vawd.uscourts.gov)  
**Cc:** [jek318@gmail.com](mailto:jek318@gmail.com); [alevine@cooley.com](mailto:alevine@cooley.com); [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); [bryan@bjoneslegal.com](mailto:bryan@bjoneslegal.com); [Christopher Greene](#); [dcampbell@dhdglaw.com](mailto:dcampbell@dhdglaw.com); [dmills@cooley.com](mailto:dmills@cooley.com); [isuecrooks@comcast.net](mailto:isuecrooks@comcast.net); [Julie Fink](#); [jgravatt@dhdglaw.com](mailto:jgravatt@dhdglaw.com); [jlibling@bsflp.com](mailto:jlibling@bsflp.com); [Joshua Matz](mailto:Joshua Matz); [jphillips@bsflp.com](mailto:jphillips@bsflp.com); [kdunn@bsflp.com](mailto:kdunn@bsflp.com); [lisa\\_lorish@fd.org](mailto:lisa_lorish@fd.org); [Michael Bloch](mailto:Michael Bloch); [pbowman@bsflp.com](mailto:pbowman@bsflp.com); [rcahill@cooley.com](mailto:rcahill@cooley.com); [Roberta Kaplan](#); [Seguin L. Strohmeier](#); [wisaacson@bsflp.com](mailto:wisaacson@bsflp.com); [Yotam Barkai](#); [Eli.F.Mosley@gmail.com](mailto:Eli.F.Mosley@gmail.com); [matthew.w.heimbach@gmail.com](mailto:matthew.w.heimbach@gmail.com)  
**Subject:** RE: CC Monday or Tuesday - Sines v. Kessler 3:17cv72  
**Date:** Friday, February 8, 2019 9:32:51 AM

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Ms. Dotson:

With the exception of Mr. Mosley and Mr. Heimbach, who we have not yet heard from, Plaintiffs' counsel and the other counsel for Defendants are available on Tuesday between 12:30 and 2:00 p.m.

Respectfully submitted,  
Gabrielle Tenzer

**Gabrielle Tenzer | Kaplan Hecker & Fink LLP**

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**From:** John DiNucci <[dinuuccilaw@outlook.com](mailto:dinuuccilaw@outlook.com)>  
**Sent:** Friday, February 8, 2019 9:27 AM  
**To:** [KarenD@vawd.uscourts.gov](mailto:KarenD@vawd.uscourts.gov)  
**Cc:** [jek318@gmail.com](mailto:jek318@gmail.com); [alevine@cooley.com](mailto:alevine@cooley.com); [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); [bryan@bjoneslegal.com](mailto:bryan@bjoneslegal.com); [Christopher Greene](mailto:Christopher Greene) <[cgreene@kaplanhecker.com](mailto:cgreene@kaplanhecker.com)>; [dcampbell@dhdglaw.com](mailto:dcampbell@dhdglaw.com); [dmills@cooley.com](mailto:dmills@cooley.com); [Gabrielle Tenzer](mailto:Gabrielle Tenzer) <[gtenzer@kaplanhecker.com](mailto:gtenzer@kaplanhecker.com)>; [isuecrooks@comcast.net](mailto:isuecrooks@comcast.net); [Julie Fink](mailto:Julie Fink) <[jfink@kaplanhecker.com](mailto:jfink@kaplanhecker.com)>; [jgravatt@dhdglaw.com](mailto:jgravatt@dhdglaw.com); [jlibling@bsflp.com](mailto:jlibling@bsflp.com); [Joshua Matz](mailto:Joshua Matz) <[jmatz@kaplanhecker.com](mailto:jmatz@kaplanhecker.com)>; [jphillips@bsflp.com](mailto:jphillips@bsflp.com); [kdunn@bsflp.com](mailto:kdunn@bsflp.com); [lisa\\_lorish@fd.org](mailto:lisa_lorish@fd.org); [Michael Bloch](mailto:Michael Bloch) <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)>; [pbowman@bsflp.com](mailto:pbowman@bsflp.com); [rcahill@cooley.com](mailto:rcahill@cooley.com); [Roberta Kaplan](mailto:Roberta Kaplan) <[rkaplan@kaplanhecker.com](mailto:rkaplan@kaplanhecker.com)>; [Seguin L. Strohmeier](mailto:Seguin L. Strohmeier) <[sstrohmeier@kaplanhecker.com](mailto:sstrohmeier@kaplanhecker.com)>; [wisaacson@bsflp.com](mailto:wisaacson@bsflp.com); [Yotam Barkai](mailto:Yotam Barkai) <[ybarkai@bsflp.com](mailto:ybarkai@bsflp.com)>; [Eli.F.Mosley@gmail.com](mailto:Eli.F.Mosley@gmail.com); [matthew.w.heimbach@gmail.com](mailto:matthew.w.heimbach@gmail.com)  
**Subject:** Re: CC Monday or Tuesday - Sines v. Kessler 3:17cv72

Ms. Dotson:

I am available on Tuesday after 11 a.m.

John A. DiNucci

Sent from my iPhone

On Feb 7, 2019, at 2:56 PM, "[KarenD@vawd.uscourts.gov](mailto:KarenD@vawd.uscourts.gov)" <[KarenD@vawd.uscourts.gov](mailto:KarenD@vawd.uscourts.gov)> wrote:

Counsel,

Judge Hoppe would like to have a conference call next Monday or Tuesday regarding the below email.

Please confer with each other and decide on a date and time THEN let me know what time you have agreed on and I'll set up the conference call. Thank you.

**Feb. 11 - anytime between 9:00, 9:30, 10:00, 10:30, 11:00, 11:30, 2:00 or later**

**Feb. 12 - 11:00 or later**

Respectfully,

Karen

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Karen L. Dotson  
Courtroom Deputy for  
Hon. Joel C. Hoppe  
U.S. Magistrate Judge  
(540) 434-3181 ext. 2

From: Gabrielle Tenzer <[gtenzer@kaplanhecker.com](mailto:gtenzer@kaplanhecker.com)>  
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Date: 02/06/2019 07:04 PM  
Subject: Sines v. Kessler, Case No. 17 Civ. 72

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Dear Judge Hoppe:

As Your Honor encouraged us to do during the January 4, 2019 telephonic conference, we are once again writing to provide a status update and to seek the Court's assistance with outstanding discovery items.

Although we have received and are still receiving information from Discord thanks in large part to the Court's intervention with respect to obtaining Defendants' SCA consents, we still have received precious few documents from the Defendants themselves. We have yet to receive a single page from 9 of the 18 Defendants who remain in the case (not including Defendant Fields, who is incarcerated). Other than Defendant Kessler, the productions we have received thus far from the Defendants who have produced documents have been meager, to say the least. And it is not for lack of trying on Plaintiffs' part. Plaintiffs' document requests were originally served over a year ago, on January 25, 2018. On November 13, 2018, nearly three months ago, the Court granted Plaintiffs' Motion to Compel Defendants to Permit Inspection and Imaging of Electronic Devices. Plaintiffs

raised the issue of the Third Party Discovery Vendor Contract on the call with the Court on January 4, 2019, as well as in a January 16, 2019 email to the Court. Yet to date, Defendants have not agreed to the Third Party Discovery Vendor Contract that Plaintiffs sent to them over a month ago, on December 28, 2018. The parties have made progress in coming to an agreement on the contract, but Plaintiffs and the vendor are still waiting to hear back from Defendants on one outstanding issue concerning indemnification.

While Plaintiffs have been trying to avoid involving the Court again, it appears that a call is needed to ensure that this process moves forward more expeditiously. Accordingly, we request a conference with the Court to seek an order that a Third Party Discovery Vendor Contract be executed by a date certain and that, upon execution of the contract, Defendants be required to immediately tender their devices to the vendor for imaging and to complete all other aspects of the document production process also by a date certain. For obvious reasons, and consistent with due process, Plaintiffs do not want to notice Defendants' depositions before receiving their documents. Given the current fact discovery cutoff of April 17, 2019, it is not clear how this can all happen without further intervention from the Court, including the possible imposition of sanctions for any further non-compliance.

Plaintiffs can be available for a conference with the Court on Monday or Tuesday of next week, February 11 or 12. We appreciate Your Honor's consideration of this request.

Respectfully submitted,  
Gabrielle E. Tenzer

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